REMARKS/ARGUMENTS:

Claims 1 – 20 are currently pending in the application, with claims 1 and 10 being independent.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Rejection under 35 U.S.C. § 103(a)

In paragraph 3, claims 1, 4 and 6 - 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,821,486 to Paw et al. (the Paw patent). Applicant respectfully traverses this rejection, since the Paw patent clearly does not disclose, teach or suggest the subject matter of claims 1, 4 and 6 - 9.

Independent claim 1 recites, inter alia, the resistance member 41 being connected to the second end 35 of the pin 31 and contacting the rigid base 15 to prevent accidental movement of the switch assembly. The switch assembly is mounted on the rigid base 15. A lever 21 is connected to the switch assembly to move the switch assembly between opened and closed positions. A first end 33 of the pin 31 is connected to the lever 21.

The Paw patent discloses a gang-operated switch assembly 10, as shown in FIG. 1. Retention means 80, shown in FIGS. 4 and 5, prevents accidental closing of the switch assembly when in the open position. The retention means 80 includes a pin 82, a threaded portion 90 extending through passage 94 in shaft 55 and being secured by a nut 91, and a spring plate 84 extending from the support 56. The spring plate 84 has a retention surface 86, as shown in FIG. 5, which in combination with the rounded end 88 of pin 82 defines a positive retention position when the switch assembly 10 is in the open position. The retention surface 86 prevents movement of operating linkage 22 until sufficient force is exerted on shaft 55 to rotate pin 82 against surface 86 to deflect the spring plate 84 to allow movement of the operating linkage.

The Paw patent does not show a resistance member that contacts the rigid base to prevent accidental movement of the switch assembly. As recited in amended claim 1, the

switch assembly is mounted on the *rigid* base to prevent movement of the resistance member thereby. The rigidity of the claimed base prevents the claimed resistance member from moving past. The base member 14, 20, 56 and 84 of the Paw patent is not rigid as recited in amended claim 1, since spring plate 84 *deflects* to allow the pin 82 to pass to operate the linkage. Thus, the lack of rigidity of the Paw spring plate allows the pin to pass to operate the linkage.

Page 3 of the Office Action alleges that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the Paw base member rigid and the resistance member flexible, since it allegedly would only involve a mere reversal of parts. However, making the Paw base member 84 rigid and the resistance member 82 flexible involves more than a mere reversal of parts. As discussed in col. 4, lines 7 – 29 of the Paw '486 patent, the "material and dimensions of the spring plate 84 [of the base member] and the dimensions and angle of orientation of the surface 86 [of the base member] are chosen to provide the desired retention force." The Paw spring plate 84 is configured to resist movement of the resistance means 80 until sufficient force is exerted to cause the spring plate to flex to a new position 84' (FIG. 5). Thus, if the Paw spring plate 84 were made rigid and the retention means 80 flexible, as suggested by the Examiner, the Paw assembly would no longer operate as intended by the Paw '486 patent. That is, the spring plate 84 would no longer deflect to allow the retention means to move out of the open position. Thus, more than a mere reversal of parts is required for the Paw assembly to operate as intended with a rigid base member.

Making the Paw base member 84 rigid and the resistance member 82 flexible would involve significant testing and experimentation to ensure that the modified Paw assembly operates as intended. The now flexible resistance member 82 and now rigid base member 84 must be tested to determine the proper dimensions and angle of orientation of the surface 86, as well as the proper retention force to prevent the flexible resistance member from passing the rigid plate 84. Additionally, designs must be evaluated to determine how the now flexible resistance 82 member will deflect to move past the rigid base member 84. The tests and experimentation must ensure that the flexible resistance member 82 does not move past the rigid base member 84 too easily, thereby allowing the assembly to accidentally close.

Furthermore, the tests and experimentation must ensure that too much force is not required to move the flexible resistance member past the rigid base member into the closed position, thereby preventing easy closing of the assembly.

Furthermore, care must be taken to ensure that a significantly higher force is required to move the pin 82 out of the open position than is required to move the pin back into the open position. Such feature is a "desirable attribute so as to establish a high retention force in the open position while not unduly adding to the operating force to open the switch". Col. 4, lines 15 – 17.

Therefore, the Paw patent does not disclose a resistance assembly having a rigid base as recited in independent claim 1, and the modification suggested by the Examiner is improper since nothing in the evidence of record shows that the proposed reversal of parts would provide an operative device without undue experimentation. Since the Paw patent does not disclose, teach, or suggest all of the limitations in independent claim 1, Applicant submits that claim 1 is allowable.

Claims 4 and 6 - 9, as well as claims 2, 3, and 5, being dependent upon independent claim 1, respectively, are also allowable for the above reasons. Moreover, claims 2 - 9 are not anticipated nor rendered obvious by the cited patent, particularly within the overall claimed combination. For example, the bearing assembly connected between the lever and the switch assembly of claim 2; the base being substantially U-shaped of claim 4; a first leg of the U-shaped base preventing movement of the resistance member of clam 5; the resistance member being a roller of claim 6; and the pin being made of a rigid, inflexible material of claim 7 are not anticipated or rendered obvious by the cited patent, particularly within the overall claimed combination.

Allowable Subject Matter

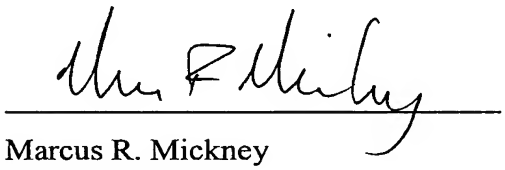
Applicant notes with appreciation that claims 10 – 20 are allowed.

Applicant also notes with appreciation that objected to claims 2, 3 and 5 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

* * *

In view of the foregoing amendment and comments, Applicant respectfully submits that claims 1 – 20 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,



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